

SCHEDULE 1 TO CLAUSE 37.10 PRECINCT ZONE

Shown on the planning scheme map as **PRZ1**.

BURWOOD SUBURBAN RAIL LOOP EAST STRUCTURE PLAN AREA

1.0 Role of the precinct

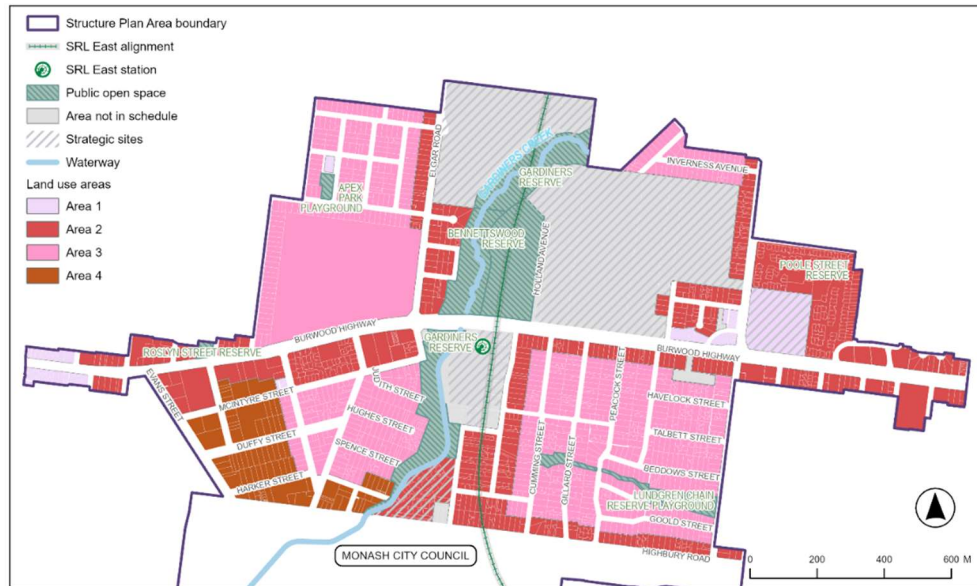
The Burwood Suburban Rail Loop East (SRL) East Structure Plan Area (shown on Map 1) will create and support substantial growth in employment and housing supply and diversity supported by improved transport access delivered by the SRL project. The Structure Plan Area will be a thriving urban centre with an increased range of retail, education, office, residential, entertainment, open space and community uses, with strong connections to Deakin University and Gardiners Creek (Kooyongkoot). Enhanced accessibility and biodiversity along Gardiners Creek (Kooyongkoot) will improve the recreational and ecological function of the creek corridor and deliver new open space amenity to support growth within the Structure Plan Area.

2.0 Use and development objectives

- To promote the use and development of land that is consistent with the Use and development framework plan (Map 1) at a scale and intensity to accommodate substantial growth.
- To create vibrant and highly activated mixed-use and commercial areas along parts of Burwood Highway and areas surrounding the SRL station at Burwood.
- To support high housing growth near the SRL station at Burwood and along Burwood Highway, Highbury Road, Station Street and Elgar Road with high and medium housing growth in surrounding residential areas.
- To increase the diversity of housing types within residential areas, including the provision of affordable housing.
- To enhance access to Gardiners Creek Reserve and to Gardiners Creek (Kooyongkoot), supporting biodiversity and native habitat and improving passive surveillance through built form response.
- To enhance employment in Area 4 of the Use and development framework plan (Map 1) with a broader mix of light industrial, commercial and office and complementary uses at higher built form scale.
- To promote sustainable development that achieves best practice sustainable design, contributes positively to sustainable transport patterns and increased green cover and tree canopy coverage to reduce urban heat.

3.0 Use and development framework plan

Map 1 to Schedule 1 to Clause 37.10: Use and development framework plan



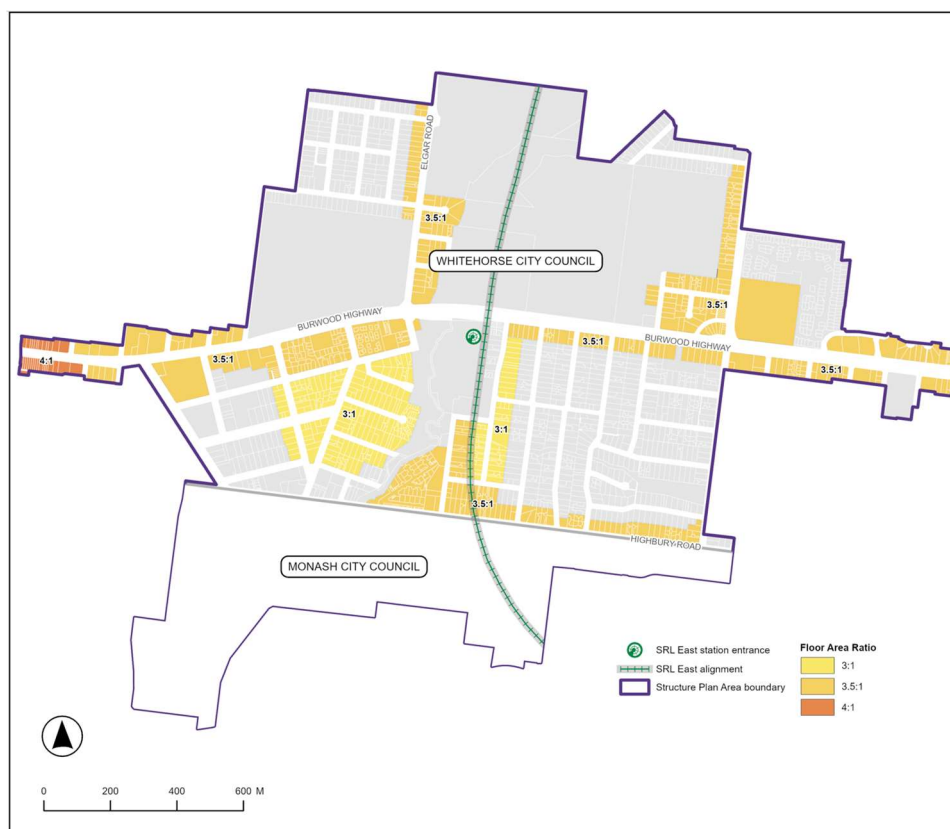
4.0 Master plan requirements

None specified.

5.0 Public benefit uplift framework

A permit must not be granted or amended to construct a building or construct or carry out works with a floor area ratio that exceeds the mandatory maximum identified in Map 2 unless a public benefit is provided, as set out and calculated in accordance with the *Suburban Rail Loop East Voluntary Public Benefit Uplift Framework*, as amended from time to time.

For the purposes of this schedule the floor area ratio is the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar services elements should be considered as multiple floors of the same height as adjacent floors or 3 metres if there is no adjacent floor.

Map 2 to Schedule 1 of Clause 37.10 – Uplift and Public Benefit Framework**6.0****Use of land**

The requirements in the table of uses of the following zones in the planning scheme apply to the use of land, by reference to the Use and development framework plan (Map 1) of this schedule.

Table of applied zones

Land	Applied zone
Land shown in Area 1 of the Use and Development Framework Plan	Applied zone provisions Clause 34.01 – Commercial 1 Zone
Land shown in Area 2 of the Use and Development Framework Plan	Applied zone provisions Clause 32.04 – Mixed Use Zone
Land shown in Area 3 of the Use and Development Framework Plan	Applied zone provisions Clause 32.07 – Residential Growth Zone
Land shown in Area 4 of the Use and Development Framework Plan	Applied zone provisions Clause 33.03 – Industrial 3 Zone

The requirements in the table of applied zones are varied by the table of variations to applied zones.

Table of variations to applied zones

Use	Applied zone	Variation to the applied zone
Office	Land shown in Area 4 of the Use and development framework plan. Clause 33.03 – Industrial 3 Zone	Section 1 – Permit not required No conditions.
Food and drink premises	Land shown in Area 4 of the Use and development framework plan. Clause 33.03 – Industrial 3 Zone	Section 1 – Permit not required The leasable floor area must not exceed 150sqm.

Use of land requirements

None specified.

7.0 Subdivision**Permit requirements**

A permit is required to subdivide land.

Subdivision requirements

None specified.

8.0 Buildings and works**Permit requirements**

No permit is required to construct a building or construct or carry out works for the following:

- Buildings and works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- External works to provide access for persons with disabilities that comply with all legislative requirements.
- For land shown in Area 1 of the Use and development framework plan (Map 1):
 - The installation of an automatic teller machine.
 - An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - An awning that projects over a road if it is authorised by the relevant public land manager.
- For land shown in Area 2 and Area 3 shown of the Use and development framework plan (Map 1):
 - Extend one dwelling on a lot.
 - Construct or extend a small second dwelling.
 - Construct or carry out works normal to a dwelling.
 - Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square

metres and the maximum building height is not more than 3 metres above ground level.

- For land shown in Area 4 of the Use and development framework plan (Map 1):
 - A building or works which are used for crop raising or informal outdoor recreation.
 - A rainwater tank with a capacity of more than 10000 litres if the following requirements are met:
 - The rainwater tank is not located within the building's setback from a street (other than a lane).
 - The rainwater tank is no higher than the existing building on the site.
 - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

Buildings and works requirements

None specified.

Buildings and works requirements that do not apply

None specified.

Outcomes and standards

None specified.

9.0 Application requirements

The following application requirements apply to an application for a permit under clause 37.10, in addition to those specified in clause 37.10-9 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Buildings and works

Public benefit uplift framework

An application to construct a building or construct or carry out works to which clause 5.0, Public benefit uplift framework, applies must:

- Be accompanied by an assessment and report of the proposed floor area ratio from an independent quantity surveyor.
- Specify what public benefit(s) are to be provided in accordance with *Suburban Rail Loop East Voluntary Public Benefit Uplift Framework*.
- Provide an independent valuation report to determine the required value of the land to be used in the calculation of the public benefit in accordance with *Suburban Rail Loop East Voluntary Public Benefit Uplift Framework*.
- Provide an independent valuation assessment of the value rates adopted for the provided form of public benefit(s).

Acoustic Report

An application to construct a building or construct or carry out works associated with the use of land for Accommodation, Education centre (other than Tertiary institution) or Hospital, within 300 metres from land shown in Area 4 of the Use and development framework plan (Map 1) must be accompanied by an acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:

- Applies the following noise objectives:

- 35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am.
 - 40 dB LAeq,16h when measured within a living area between 6 am and 10 pm.
 - For areas other than sleeping areas, the median value in the range of AS/NZS 2107:2016 (Acoustics - Recommended design sound levels and reverberation times for building interiors).
- Includes specifications for noise attenuation measures required to meet the applicable noise level objectives.
- Includes measures, where relevant, to address:
 - Potential noise character (tonality, impulsiveness or intermittency).
 - Noise with high energy in the low frequency range.
 - Transient or variable noise (such as helicopter by-passes).

Green Travel Plan

An application to construct a building or construct or carry out works for a development involving for one or more of the following:

- 10 or more dwellings;
- Greater than 1000 square metres of gross floor area for retail premises, office or leisure and recreation land use;
- Greater than 5000 square metres of gross floor area for industry land use; and
- Education centre land use.

must be accompanied by a Green Travel Plan. The plan must include a variety of transport demand management measures that reduces dependency on private vehicle trips.

Sustainable Management Plan

An application to construct a building or construct or carry out works for a development comprising of 10 or more dwellings, or a building with more than 2500 square metres gross floor area, must be accompanied by a Sustainable Management Plan. A Sustainable Management Plan must address the following requirements:

- At least 75 per cent of the site area, excluding any part of the site that incorporates a solar energy system, or equivalent vertical area, should incorporate:
 - Unshaded hardstand surfaces with a solar reflectance index of greater than 34.
 - Roofing material with a solar reflectance index of greater than 64.
 - Green cover that may include canopy trees, vegetation, landscaped podiums, balconies, green roofs, walls or facades.
 - Native and drought-resilient plant species.
- A building with less than 5000 square metres gross floor area must demonstrate a Built Environment Sustainability Scorecard (BESS) with an 'Excellence' rating. 'Excellence' is defined within BESS as an overall score of 70 per cent or higher, including a 20 per cent higher score in the 'Energy' category.
- A building with 5000 square metres or more of gross floor area must demonstrate that the proposal has been designed to achieve certification to a minimum 5 Star Green Star Buildings rating with the Green Building Council of Australia (or equivalent third party accredited as built sustainability rating scheme).

Waste Management Plan

An application to construct a building or construct or carry out works for a development with more than 5000 square metres gross floor area, must be accompanied by a Waste Management Plan. A Waste Management Plan must demonstrate how the development can:

- Plan for managing future waste streams and separation.
- Achieve 90 per cent diversion of construction and demolition waste from landfill during development.

- Achieve 80 per cent diversion of waste from landfill during the operation of the development.

10.0 Notice and review

An application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

11.0 Decision guidelines

The following decision guidelines apply to an application for a permit under clause 37.10 in addition to those specified in clause 37.10-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

Public benefit uplift framework

- The acceptability of the public benefit(s) having regard to the *Suburban Rail Loop East Voluntary Public Benefit Uplift Framework*.
- Where the development exceeds the mandatory Floor Area Ratio, whether the built form outcomes in the relevant Built Form Overlay schedule have been met.

Use of land

- The effect of traffic to be generated on roads.
- Where a retail or office use is proposed, the scale and intensity of the proposed use and whether it is located within the areas where a concentration of commercial activity is sought within the Structure Plan Area.
- Where an industry or warehouse use is proposed, the effect that the proposed use may have on the amenity of nearby residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of referral authorities.
- On land shown in Area 2 on the Use and development framework plan (Map 1):
 - Where an industry or warehouse use is proposed, the proposed hours of operation, noise and any other likely off-site amenity impacts from the proposed use.
- On land shown in Area 3 on the Use and development framework plan (Map 1), where a non-residential use is proposed:
 - Whether the proposed use generally serves local community needs.
 - The scale and intensity of the proposed use and development.
- On land shown in Area 4 on the Use and development framework plan (Map 1):
 - The effect of the proposed use on nearby industries.

Subdivision

- Whether the proposed subdivision results in a lot that constrains its future development and contribution to the role of the precinct, the use and development objectives and the Use and development framework plan (Map 1).

Buildings and works

General

- The extent to which the development accommodates housing and employment opportunities at the scale and intensity that is consistent with the role of the precinct, the use and development objectives and the Use and development framework plan (Map 1).

Access

- How the development supports an increase in mode share for public transport, walking and cycling and seeks to reduce reliance on vehicles as a means of transport.

Bicycle parking

- The design, location, accessibility and security (including suitable lighting and locking devices) of bicycle facilities.

Sustainability

- The proposed sustainability rating of the building.
- Whether sustainable water, waste and energy management is proposed.
- The extent to which the proposed landscape and design response contributes to a greener environment and reduces urban heat.

12.0 Mandatory permit conditions

A permit granted for the construction of a building or to construct or carry out works must include the following conditions:

Green Star Rating

A permit granted to construct a new building or additions that contain 5000 square metres or more of gross floor area must include the following conditions:

- Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the responsible authority, that demonstrates the project has been registered to seek a minimum 5 Star Green Star Buildings rating with the Green Building Council of Australia (or equivalent third party accredited as built sustainability rating scheme).
- Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the responsible authority, that demonstrates the building has achieved a minimum 5 Star Green Star Buildings rating (or equivalent third party accredited as built sustainability rating scheme).

Alternative water supply

A permit granted to construct a new building must include the following conditions, unless otherwise agreed by the relevant water authority:

- A non-potable reticulated dual pipe to be installed to the satisfaction of the relevant authority to supply non-potable outlets within the development for any end use specified by the relevant authority unless otherwise determined in writing by the relevant water authority; and
- An agreed connection point to be provided for the non-potable reticulated dual pipe, designed and constructed to the satisfaction of the relevant authority, to ensure readiness to connect to a future non-potable water supply unless otherwise determined in writing by the relevant water authority.

13.0 Signs

All land shown in Area 2 and Area 3 on the Use and development framework plan (Map 1) in this schedule is in Category 3.

All land shown in Area 4 on the Use and development framework plan (Map 1) in this schedule is in Category 2.

14.0 Required bicycle facilities

The following bicycle space requirements apply for the purposes of clause 52.34-5 of this planning scheme.

A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound. At least 50 per cent of resident bicycle spaces are to be floor mounted.

Table 1 – Bicycle spaces

Use	Employee/resident	Visitor/shopper/student
Dwelling	1 bicycle space to each one and two bedroom dwelling. 2 bicycle spaces to each three or more bedroom dwelling.	0.25 visitor bicycle space per dwelling.
Office (excluding Medical centre)	1 employee bicycle space to each 200sqm of net floor area.	1 bicycle visitor space to each 500sqm of net floor area.
Retail premises (excluding Shop)	1 employee bicycle space to each 300sqm of leasable floor area.	0.6 secure visitor bicycle space to each 100sqm of leasable floor area if the leasable floor area exceeds 500sqm.
Education Centre (excluding Child care centre and Tertiary institution)	1 secure bicycle spaces to each 10 employees.	3 bicycle space to each 10 pupils, for primary school pupils this applies over year 4.

15.0 Transitional provisions

None specified.